

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3 WILLIAM ODESSA BROWN, II, No. C 08-00750 CW (PR)
 4 Petitioner,
 5 v.
 6 L. E. SCRIBNER, Warden, et al., ORDER GRANTING IN FORMA
 7 Respondents. PAUPERIS STATUS AND DIRECTING
 8 / RESPONDENT TO SHOW CAUSE WHY
 9 THE PETITION SHOULD NOT BE
 10 GRANTED

11 Petitioner, a state prisoner, has filed this petition for a
 12 writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also seeks
 13 leave to proceed in forma pauperis. It does not appear from the
 14 face of the petition that it is without merit. Good cause
 15 appearing, the Court hereby issues the following orders:

16 1. Petitioner's application to proceed in forma pauperis is
 17 GRANTED.

18 2. The Clerk of the Court shall serve a copy of this Order
 19 and the petition and all attachments thereto upon Respondent and
 20 Respondent's attorney, the Attorney General of the State of
 21 California. The Clerk shall also serve a copy of this Order on
 22 Petitioner at his current address.

23 3. Respondent shall file with this Court and serve upon
 24 Petitioner, within one-hundred twenty (120) days of the issuance of
 25 this Order, an Answer conforming in all respects to Rule 5 of the
 26 Rules Governing Section 2254 Cases, showing cause why a writ of
 27 habeas corpus should not be issued. Respondent shall file with the
 28 Answer a copy of all portions of the relevant state records that
 have been transcribed previously and that are relevant to a
 determination of the issues presented by the petition.

FILED
 AUG 22 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

1 4. If Petitioner wishes to respond to the Answer, he shall
2 do so by filing a Traverse with the Court and serving it on
3 Respondent within sixty (60) days of his receipt of the Answer.
4 Should Petitioner fail to do so, the petition will be deemed
5 submitted and ready for decision sixty (60) days after the date
6 Petitioner is served with Respondent's Answer.

7 5. Respondent may file a motion to dismiss on procedural
8 grounds in lieu of an Answer, as set forth in the Advisory
9 Committee Notes to Rule 4 of the Rules Governing Section 2254
10 Cases. If Respondent files such a motion, Petitioner shall file
11 with the Court and serve on Respondent an opposition or statement
12 of non-opposition to the motion within sixty (60) days of receipt
13 of the motion, and Respondent shall file with the Court and serve
14 on Petitioner a reply within fifteen (15) days of receipt of any
15 opposition.

16 6. It is Petitioner's responsibility to prosecute this case.
17 Petitioner must keep the Court and Respondent informed of any
18 change of address and must comply with the Court's orders in a
19 timely fashion. Petitioner must also serve on Respondent's counsel
20 all communications with the Court by mailing a true copy of the
21 document to Respondent's counsel.

22 7. Extensions of time are not favored, though reasonable
23 extensions will be granted. Any motion for an extension of time
24 must be filed no later than ten (10) days prior to the deadline
25 sought to be extended.

26 IT IS SO ORDERED.

27 Dated: 8/22/08


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM ODESSA BROWN II,

Plaintiff,

v.

L E SCRIBNER et al,

Defendant.

Case Number: CV08-00750 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

William Odessa Brown K-93463
Calipatria State Prison
P.O. Box 5004
Calipatria, CA 92233-5004

Warden
Calipatria State Prison
P.O. Box 5001
Calipatria, CA 92233-5001

Attorney General
State of California
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102

Dated: August 22, 2008

Richard W. Wiking, Clerk
By: Clara Pierce, Deputy Clerk